



General Assembly

February Session, 2008

**Substitute Bill No. 5926**

\* HB05926HS 041608 \*

**AN ACT CONCERNING FAMILIES WITH SERVICE NEEDS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 46b-148 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2008*):

3 (a) Notwithstanding any provision of this chapter: (1) No child  
4 [whose family] who has been adjudicated as a child from a family with  
5 service needs in accordance with section 46b-149 of the 2008  
6 supplement to the general statutes, as amended by this act, may be  
7 processed or held in a juvenile detention center as a delinquent child,  
8 or be convicted as delinquent, solely for the violation of a valid order  
9 which regulates future conduct of the child that was issued by the  
10 court following such an adjudication; and (2) no such child who is  
11 found to be in violation of any such order may be punished for such  
12 violation by [commitment to] placement in any juvenile detention  
13 center.

14 (b) In entering any order that directs or authorizes placement or  
15 commitment of a child [whose family] who has been adjudicated as a  
16 child from a family with service needs in accordance with section 46b-  
17 149 of the 2008 supplement to the general statutes, as amended by this  
18 act, the court shall make a determination that there is no less restrictive  
19 alternative appropriate to the needs of such child and the community.

20 Sec. 2. Section 46b-149 of the 2008 supplement to the general statutes

21 is repealed and the following is substituted in lieu thereof (*Effective*  
22 *October 1, 2008*):

23 (a) Any selectman, town manager, police officer or welfare  
24 department of any town, city or borough, any probation officer or  
25 superintendent of schools, the Commissioner of Children and Families,  
26 any child-caring institution or agency approved or licensed by the  
27 Commissioner of Children and Families, any youth service bureau, a  
28 parent or foster parent of a child, or a child or the child's representative  
29 or attorney, who believes that the acts or omissions of a child are such  
30 that the [child's family is] child is from a family with service needs,  
31 may file a written complaint setting forth those facts with the Superior  
32 Court which has venue over the matter.

33 (b) The court shall refer a complaint filed under subsection (a) of  
34 this section to a probation officer, who shall promptly determine  
35 whether it appears that the alleged facts, if true, would be sufficient to  
36 meet the definition of a family with service needs, provided a  
37 complaint alleging that a child is a truant or habitual truant shall not  
38 be determined to be insufficient to meet the definition of a family with  
39 service needs solely because it was filed during the months of April,  
40 May or June. If such probation officer so determines, the probation  
41 officer shall, after an initial assessment, promptly refer the child and  
42 the child's family to a suitable community-based program or other  
43 service provider, or to a family support center as provided in section  
44 46b-149e of the 2008 supplement to the general statutes, for voluntary  
45 services. If the child and the child's family are referred to a  
46 community-based program or other service provider and the person in  
47 charge of such program or provider determines that the child and the  
48 child's family can no longer benefit from its services, such person shall  
49 inform the probation officer, who shall, after an appropriate  
50 assessment, either refer the child and the child's family to a family  
51 support center for additional services or determine whether or not to  
52 file a petition with the court under subsection (c) of this section. If the  
53 child and the child's family are referred to a family support center and  
54 the person in charge of the family support center determines that the

55 child and the child's family can no longer benefit from its services,  
56 such person shall inform the probation officer, who may file a petition  
57 with the court in the manner prescribed in subsection (c) of this  
58 section. The probation officer shall inform the complainant in writing  
59 of the probation officer's action under this subsection. If it appears that  
60 the allegations are not true, or that the child's family does not meet the  
61 definition of a family with service needs, the probation officer shall  
62 inform the complainant in writing of such finding.

63 (c) A petition alleging that a [family constitutes] child is from a  
64 family with service needs shall be verified and filed with the Superior  
65 Court which has venue over the matter. The petition shall set forth  
66 plainly: (1) The facts which bring the child within the jurisdiction of  
67 the court; (2) the name, date of birth, sex and residence of the child; (3)  
68 the name and residence of the child's parent or parents, guardian or  
69 other person having control of the child; and (4) a prayer for  
70 appropriate action by the court in conformity with the provisions of  
71 this section.

72 (d) When a petition is filed under subsection (c) of this section, the  
73 court may issue a summons to the child and the child's parents,  
74 guardian or other person having control of the child to appear in court  
75 at a specified time and place. The summons shall be signed by a judge  
76 or by the clerk or assistant clerk of the court, and a copy of the petition  
77 shall be attached to it. Whenever it appears to the judge that orders  
78 addressed to an adult, as set forth in section 46b-121 of the 2008  
79 supplement to the general statutes, are necessary for the welfare of  
80 such child, a similar summons shall be issued and served upon such  
81 adult if he or she is not already in court. Service of summons shall be  
82 made in accordance with section 46b-128. The court may punish for  
83 contempt, as provided in section 46b-121 of the 2008 supplement to the  
84 general statutes, any parent, guardian or other person so summoned  
85 who fails to appear in court at the time and place so specified. If a  
86 petition is filed under subsection (c) of this section alleging that a  
87 [family is] child is from a family with service needs because a child is a  
88 truant or habitual truant, the court may not dismiss such petition

89 solely because it was filed during the months of April, May or June.

90 (e) When a petition is filed under subsection (c) of this section  
91 alleging that a [family constitutes] child is from a family with service  
92 needs because [it includes a] such child [who] has been habitually  
93 truant, the court shall order that the local or regional board of  
94 education for the town in which the child resides, or the private school  
95 in the case of a child enrolled in a private school, shall cause an  
96 educational evaluation of such child to be performed if no such  
97 evaluation has been performed within the preceding year. Any costs  
98 incurred for the performance of such evaluation shall be borne by such  
99 local or regional board of education or such private school.

100 (f) If it appears from the allegations of a petition or other sworn  
101 affirmations that there is: (1) A strong probability that the child may do  
102 something that is injurious to himself prior to court disposition; (2) a  
103 strong probability that the child will run away prior to the hearing; or  
104 (3) a need to hold the child for another jurisdiction, a judge may vest  
105 temporary custody of such child in some suitable person or agency. No  
106 nondelinquent juvenile runaway from another state may be held in a  
107 state-operated detention home in accordance with the provisions of  
108 sections 46b-151 to 46b-151g, inclusive, Interstate Compact on  
109 Juveniles. A hearing on temporary custody shall be held not later than  
110 ten days after the date on which a judge signs an order of temporary  
111 custody. Following such hearing, the judge may order that the child's  
112 temporary custody continue to be vested in some suitable person or  
113 agency. Any expenses of temporary custody shall be paid in the same  
114 manner as provided in subsection (b) of section 46b-129 of the 2008  
115 supplement to the general statutes.

116 (g) If a petition is filed under subsection (c) of this section and it  
117 appears that the interests of the child or the family may be best served,  
118 prior to adjudication, by a referral to community-based or other  
119 services, the judge may permit the matter to be continued for a  
120 reasonable period of time not to exceed six months, which time period  
121 may be extended by an additional three months for cause. If it appears

122 at the conclusion of the continuance that the matter has been  
123 satisfactorily resolved, the judge may dismiss the petition.

124 (h) If the court finds, based on clear and convincing evidence, that  
125 [the family of] a child is from a family with service needs, the court  
126 may, in addition to issuing any orders under section 46b-121 of the  
127 2008 supplement to the general statutes: (1) Refer the child to the  
128 Department of Children and Families for any voluntary services  
129 provided by [said] the department or, if the [family is] child is from a  
130 family with service needs solely as a result of a finding that [a] the  
131 child is a truant or habitual truant, to the authorities of the local or  
132 regional school district or private school for services provided by such  
133 school district or such school, which services may include summer  
134 school, or to community agencies providing child and family services;  
135 (2) order the child to remain in the child's own home or in the custody  
136 of a relative or any other suitable person (A) subject to the supervision  
137 of a probation officer, or (B) in the case of a [family which is] child who  
138 is from a family with service needs solely as a result of a finding that  
139 [a] the child is a truant or habitual truant, subject to the supervision of  
140 a probation officer and the authorities of the local or regional school  
141 district or private school; (3) if the [family is] child is from a family  
142 with service needs as a result of the child engaging in sexual  
143 intercourse with another person and such other person is thirteen  
144 years of age or older and not more than two years older or younger  
145 than such child, (A) refer the child to a youth service bureau or other  
146 appropriate service agency for participation in a program such as a  
147 teen pregnancy program or a sexually transmitted disease program,  
148 and (B) require such child to perform community service such as  
149 service in a hospital, an AIDS prevention program or an obstetrical  
150 and gynecological program; or (4) upon a finding that there is no less  
151 restrictive alternative, commit the child to the care and custody of the  
152 Commissioner of Children and Families for an indefinite period not to  
153 exceed eighteen months. The child shall be entitled to representation  
154 by counsel and an evidentiary hearing. If the court issues any order  
155 which regulates future conduct of the child, parent or guardian, the

156 child, parent or guardian, shall receive adequate and fair warning of  
157 the consequences of violation of the order at the time it is issued, and  
158 such warning shall be provided to the child, parent or guardian, to his  
159 or her attorney and to his or her legal guardian in writing and shall be  
160 reflected in the court record and proceedings.

161 (i) At any time during the period of supervision, after hearing and  
162 for good cause shown, the court may modify or enlarge the conditions,  
163 whether originally imposed by the court under this section or  
164 otherwise, as deemed appropriate by the court. The court shall cause a  
165 copy of any such orders to be delivered to the child and to such child's  
166 parent or guardian and probation officer.

167 ~~[(i)]~~ (j) (1) The Commissioner of Children and Families may [petition  
168 the court] file a motion for an extension of a commitment under this  
169 section on the grounds that an extension would be in the best interest  
170 of the child. The court shall give notice to the child and the child's  
171 parent or guardian at least fourteen days prior to the hearing upon  
172 such [petition] motion. The court may, after hearing and upon finding  
173 that such extension is in the best interest of the child and that there is  
174 no suitable less restrictive alternative, continue the commitment for an  
175 additional indefinite period of not more than eighteen months. (2) The  
176 Commissioner of Children and Families may at any time [petition the  
177 court] file a motion to discharge a child committed under this section,  
178 and any child committed to the commissioner under this section, or the  
179 parent or guardian of such child, may at any time but not more often  
180 than once every six months [petition the court which committed the  
181 child] file a motion to revoke such commitment. The court shall notify  
182 the child, the child's parent or guardian and the commissioner of any  
183 [petition] motion filed under this subsection, and of the time when a  
184 hearing on such [petition] motion will be held. Any order of the court  
185 made under this subsection shall be deemed a final order for purposes  
186 of appeal, except that no bond shall be required and no costs shall be  
187 taxed on such appeal. (3) Not later than twelve months after a child is  
188 committed to the Commissioner of Children and Families in  
189 accordance with subdivision (4) of subsection (h) of this section or

190 section 46b-149f of the 2008 supplement to the general statutes, as  
191 amended by this act, the court shall hold a permanency hearing in  
192 accordance with subsection (k) of this section. After the initial  
193 permanency hearing, subsequent permanency hearings shall be held at  
194 least once every twelve months while the child remains committed to  
195 the Commissioner of Children and Families.

196 (k) At least sixty days prior to each permanency hearing required  
197 under subsection (j) of this section, the Commissioner of Children and  
198 Families shall file a permanency plan with the court. At each  
199 permanency hearing, the court shall review and approve a  
200 permanency plan that is in the best interests of the child and takes into  
201 consideration the child's need for permanency. Such permanency plan  
202 may include the goal of: (1) Revocation of commitment and  
203 subsequent placement of the child with the parent or guardian, (2)  
204 transfer of guardianship, (3) permanent placement with a relative, (4)  
205 adoption, or (5) any other planned permanent living arrangement  
206 ordered by the court, provided the Commissioner of Children and  
207 Families has documented a compelling reason why it would not be in  
208 the best interest of the child for the permanency plan to include the  
209 goals set forth in subdivisions (1) to (4), inclusive, of this subsection.  
210 Such other planned permanent living arrangement may include, but  
211 not be limited to, placement of the child in an independent living  
212 program. At any such permanency hearing, the court shall also  
213 determine whether the Commissioner of Children and Families has  
214 made reasonable efforts to achieve the goals in the permanency plan.

215 Sec. 3. Section 46b-149f of the 2008 supplement to the general  
216 statutes is repealed and the following is substituted in lieu thereof  
217 (*Effective October 1, 2008*):

218 (a) When a child [whose family] who has been adjudicated as a  
219 child from a family with service needs in accordance with section 46b-  
220 149 of the 2008 supplement to the general statutes, as amended by this  
221 act, violates any valid order which regulates future conduct of the  
222 child made by the court following such an adjudication, a probation

223 officer, on receipt of a complaint setting forth facts alleging such a  
224 violation, or on the probation officer's own motion on the basis of his  
225 or her knowledge of such a violation, may file a petition with the court  
226 alleging that the child has violated a valid court order and setting forth  
227 the facts claimed to constitute such a violation. Service shall be made  
228 in the same manner as set forth for a summons in subsection (d) of  
229 section 46b-149 of the 2008 supplement to the general statutes, as  
230 amended by this act. The child shall be entitled to representation by  
231 counsel and an evidentiary hearing on the allegations contained in the  
232 petition. [Upon a finding by the] If the court finds, by clear and  
233 convincing evidence, that the child has violated a valid court order, the  
234 court may (1) order the child to remain in such child's home or in the  
235 custody of a relative or any other suitable person, subject to the  
236 supervision of a probation officer or an existing commitment to the  
237 Commissioner of Children and Families, (2) upon a finding that there  
238 is no less restrictive alternative appropriate to the needs of the child  
239 and the community, enter an order that directs or authorizes a peace  
240 officer or other appropriate person to place the child in a staff-secure  
241 facility under the auspices of the Court Support Services Division for a  
242 period not to exceed forty-five days, with court review every fifteen  
243 days to consider whether continued placement is appropriate, at the  
244 end of which period the child shall be returned to the community and  
245 may be subject to the supervision of a probation officer, or (3) order  
246 that the child be committed to the care and custody of the  
247 Commissioner of Children and Families for a period not to exceed  
248 eighteen months and that the child cooperate in such care and custody.

249 (b) When a child [whose family] who has been adjudicated as a  
250 child from a family with service needs in accordance with section 46b-  
251 149 of the 2008 supplement to the general statutes, as amended by this  
252 act, is under an order of supervision or an order of commitment to the  
253 Commissioner of Children and Families and believed to be [at risk of  
254 immediate] in imminent risk of physical harm from the child's  
255 surroundings or other circumstances, a probation officer, on receipt of  
256 a complaint setting forth facts alleging such risk, or on the probation



257 officer's own motion on the basis of his or her knowledge of such risk,  
258 may file a petition with the court alleging that the child is [at risk of  
259 immediate] in imminent risk of physical harm and setting forth the  
260 facts claimed to constitute such risk. Service shall be made in the same  
261 manner as set forth for a summons in subsection (d) of section 46b-149  
262 of the 2008 supplement to the general statutes, as amended by this act.  
263 If it appears from the specific allegations of the petition and other  
264 verified affirmations of fact accompanying the petition, or subsequent  
265 thereto, that there is probable cause to believe that (1) the child is in  
266 imminent risk of physical harm from the child's surroundings, (2) as a  
267 result of such condition, the child's safety is endangered and  
268 immediate removal from such surroundings is necessary to ensure the  
269 child's safety, and (3) there is no less restrictive alternative available,  
270 the court shall enter an order [directing the placement of] that directs  
271 or authorizes a peace officer or other appropriate person to place the  
272 child in a staff-secure facility under the auspices of the Court Support  
273 Services Division for a period not to exceed forty-five days, subject to  
274 subsection (c) of this section, with court review every fifteen days to  
275 consider whether continued placement is appropriate, at the end of  
276 which period the child shall either be (A) returned to the community  
277 for appropriate services, subject to the supervision of a probation  
278 officer or an existing commitment to the Commissioner of Children  
279 and Families, or (B) committed to the Department of Children and  
280 Families for a period not to exceed eighteen months if a hearing has  
281 been held and the court has found, based on clear and convincing  
282 evidence, that (i) the child is in imminent risk of physical harm from  
283 the child's surroundings, (ii) as a result of such condition, the child's  
284 safety is endangered and removal from such surroundings is necessary  
285 to ensure the child's safety, and (iii) there is no less restrictive  
286 alternative available. Any such child shall be entitled to the same  
287 procedural protections as are afforded to a delinquent child.

288 (c) No child shall be held prior to a hearing on a petition under this  
289 section for more than twenty-four hours, excluding Saturdays,  
290 Sundays and holidays. For the purposes of this section, "staff-secure

291 facility" means a residential facility (1) that does not include  
292 construction features designed to physically restrict the movements  
293 and activities of juvenile residents who are placed therein, (2) that may  
294 establish reasonable rules restricting entrance to and egress from the  
295 facility, and (3) in which the movements and activities of individual  
296 juvenile residents may, for treatment purposes, be restricted or subject  
297 to control through the use of intensive staff supervision.

298 Sec. 4. Subsection (j) of section 46b-124 of the 2008 supplement to the  
299 general statutes is repealed and the following is substituted in lieu  
300 thereof (*Effective October 1, 2008*):

301 (j) Notwithstanding the provisions of subsection (d) of this section,  
302 any information concerning a child that is obtained during any mental  
303 health screening or assessment of such child, during the provision of  
304 services pursuant to subsection (b) of section 46b-149 of the 2008  
305 supplement to the general statutes, as amended by this act, or during  
306 the performance of an educational evaluation pursuant to subsection  
307 (e) of section 46b-149 of the 2008 supplement to the general statutes, as  
308 amended by this act, shall be used solely for planning and treatment  
309 purposes and shall otherwise be confidential and retained in the files  
310 of the entity providing such services or performing such screening, [or]  
311 assessment or evaluation. Such information may be further disclosed  
312 only for the purposes of any court-ordered evaluation or treatment of  
313 the child or provision of services to the child, or pursuant to sections  
314 17a-101 to 17a-101e, inclusive, 17b-450, 17b-451 or 51-36a. Such  
315 information shall not be subject to subpoena or other court process for  
316 use in any other proceeding or for any other purpose.

317 Sec. 5. Section 51-181d of the general statutes is repealed and the  
318 following is substituted in lieu thereof (*Effective October 1, 2008*):

319 (a) The Chief Court Administrator shall designate a docket separate  
320 from the other juvenile matters for the hearing of truancy matters and  
321 petitions and motions filed pursuant to section 46b-149 of the 2008  
322 supplement to the general statutes, as amended by this act, in court

323 locations throughout the state.

324 (b) The Chief Court Administrator shall establish policies and  
325 procedures to implement such truancy docket.

326 Sec. 6. Subsection (b) of section 42 of public act 06-188, as amended  
327 by section 37 of public act 07-4 of the June special session, is repealed  
328 and the following is substituted in lieu thereof (*Effective from passage*):

329 (b) The Families With Service Needs Advisory Board shall (1)  
330 monitor the progress being made by the Department of Children and  
331 Families in developing services and programming for girls from  
332 families with service needs and other girls, (2) monitor the progress  
333 being made by the Judicial Department in the implementation of the  
334 requirements of public act 05-250, (3) provide advice with respect to  
335 such implementation upon the request of the Judicial Department or  
336 the General Assembly, and (4) not later than December 31, 2007, make  
337 written recommendations to the Judicial Department and the General  
338 Assembly, in accordance with the provisions of section 11-4a of the  
339 general statutes, with respect to the accomplishment of such  
340 implementation by the effective date of public act 05-250. The board  
341 shall terminate on ~~July 1, 2008~~ July 1, 2010.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2008</i>	46b-148
Sec. 2	<i>October 1, 2008</i>	46b-149
Sec. 3	<i>October 1, 2008</i>	46b-149f
Sec. 4	<i>October 1, 2008</i>	46b-124(j)
Sec. 5	<i>October 1, 2008</i>	51-181d
Sec. 6	<i>from passage</i>	PA 06-188, Sec. 42(b)

**JUD**      *Joint Favorable Subst.*

**HS**        *Joint Favorable*